

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
MOHAMMAD SAAILI SHIBIN, )  
a/k/a "Khalif Ahmed Shabin," )  
a/k/a "Mohammad Ali," )  
a/k/a "Ali Jama," )  
Defendant. )  
CRIMINAL CASE NO.  
2:11cr33

TRANSCRIPT OF PROCEEDINGS  
**(Testimony of Chirag Bahri)**

Norfolk, Virginia  
April 23, 2012

BEFORE: THE HONORABLE ROBERT G. DOUMAR,  
United States District Judge, and a jury

## APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE  
By: Joseph E. DePadilla, Esquire  
      Benjamin L. Hatch, Esquire  
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ZOBY & BROCCOLETTI, P.C.  
By: James O. Broccoletti, Esquire  
Counsel for the Defendant

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3	ON BEHALF OF THE GOVERNMENT:	Direct	Cross	Red.	Rec.
4	C. Bahri	3	44	--	--
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—C. Bahri - Direct—

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3                   MR. CASEY: The government would call Chirag Bahri.

4                   (The witness was administered the oath by the  
5                   clerk.)

6                   CHIRAG BAHRI, called as a witness, having been first  
7                   duly sworn, testified as follows:

8                   DIRECT EXAMINATION

9                   BY MR. CASEY:

10                  Q. Sir, could you please state your name for the record?

11                  A. I'm Chirag Bahri.

12                  Q. What country are you from?

13                  A. I'm from India.

14                  Q. What part of India?

15                  A. I live in Ghazibad. It's near to Delhi, about 50 to  
16                  60 miles from Delhi.

17                  Q. What do you do for a living? What's your job?

18                  A. I'm a marine engineer by job, by occupation, and  
19                  presently I'm holding a chief engineer's ticket for the  
20                  merchant vessels.

21                  Q. Where are you currently working?

22                  A. I'm working as a consultant for the Maritime Piracy  
23                  Humanitarian Response Program. This program has been started  
24                  up in London in 2011, and now I'm taking up the missioning  
25                  center for India as a regional director for this program.

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1 And this program aims to assist the seafarers and their  
2 families in the humanitarian aspects of any kind of armed  
3 robbery, piracy or seafarers being taken into hostage.

4 Q. Is English your first language?

5 A. Actually, Hindi is, but I'm fluent and I'm competent in  
6 English.

7 Q. For the benefit of the jury and the folks sitting in the  
8 back -- I know you have a microphone -- if you could just  
9 keep your voice up --

10 A. Okay.

11 Q. -- and speak a little bit more slowly, I think we would  
12 appreciate that.

13 A. Okay. I will do that.

14 Q. Back in 2010 what job did you have?

15 A. I was serving as second assistant engineer on board the  
16 Marida Marguerite in 2010.

17 Q. Can you tell us about your education and training to  
18 become a marine engineer?

19 A. I did my BS marine engineering from a college in India,  
20 and it has been affiliated with general shipping, and I did  
21 the four years marine engineering college. From there I  
22 passed in the year 2004 from there, and thereby joined  
23 merchant vessels in different capacities in different vessels  
24 in different companies, and I rose to a level of now second  
25 engineer.

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1 Q. All right. And just for our edification, when you start  
2 do you start as a cadet or a fifth engineer?

3 A. I started as a fifth engineer on board initially, and  
4 then I rose to fourth engineer, then third engineer, and then  
5 second assistant and second engineer.

6 Q. When did you join the Marida Marguerite?

7 A. I joined on the 8th of April, 2010, from the port of Dai  
8 Hung, Ho Chi Minh City, Vietnam.

9 Q. All right. So you joined the Marida Marguerite in  
10 Vietnam?

11 A. In Vietnam.

12 Q. And that was in April of 2010?

13 A. 8th of April, 2010.

14 Q. All right. And specifically on the Marida Marguerite  
15 were you second assistant engineer?

16 A. I was a second assistant engineer on board.

17 Q. What were your duties? What were your responsibilities?

18 A. I was responsible for all of the auxiliary machines,  
19 maintenance and operation of all machineries. That includes  
20 generators, compressors, purifiers, boilers, sump pumps and  
21 all the auxiliary machinery which came forward to the main  
22 engine.

23 Q. All right. And those machines are responsible for  
24 supplying water, electricity and other --

25 A. Yes.

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1 Q. -- and the motion of the ship, among other things?

2 A. Yes. We have a generator which used to produce  
3 electricity, we have boilers which produce steam for  
4 producing fresh water, we have purifiers for cleaning up and  
5 purifying the oil which we use in the machinery system of  
6 generators as well as in the main engines.

7 Q. What was your normal shift back in April of 2010?

8 A. My normal shift started from morning, 8:00, until  
9 evening, 5:00.

10 Q. And --

11 A. Pardon me. 6:00 in the evening.

12 Q. And did you work in the engine control room?

13 A. Yes, we work in the engine control room as well as the  
14 engine room with all hands for maintenance of machinery.

15 Q. Okay. I'd like to ask you about May 8 of 2010.

16 Where were you when you first learned that the Marida  
17 Marguerite was under attack by a pirate skiff?

18 A. On the 8th of May, 2010, I was in the engine room. I was  
19 getting off my duty. I was getting off my watch during the  
20 time when the vessel was attacked by the pirates.

21 Q. And how did you find out that the Marida Marguerite was  
22 under attack?

23 A. I got a call from the bridge that the vessel has been  
24 chased by pirates and, therefore, we need to speed up more  
25 the ship. And thereby we immediately increased to the

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1 maximum speed of the vessel, and even more than that, and we  
2 started -- the vessel started picking up the speed as well  
3 during that time.

4 Q. After about 15 or 20 minutes after that first telephone  
5 call or that first intercom call did you receive a second  
6 call?

7 A. Yes. I do receive a second call from the  
8 watching-keeping officer on the bridge that, "There are  
9 pirates on board already, and you need to now come up on the  
10 bridge from the engine room, and the vessel has already been  
11 hijacked."

12 Q. So what did you do?

13 A. I was there with my crew member. My motorman was there  
14 with me. I informed him as well, and we were in a state of  
15 panic, and we were terrified what we have to do now.

16 And then we were asked to come on bridge, so we left  
17 the engine room in that condition and we went on the bridge.

18 Q. When you got to the bridge were the pirates already in  
19 the bridge?

20 A. The bridge door was locked from inside, and we tried to  
21 open it. We could not open up it up, so we -- but after two  
22 minutes the pirates actually opened the door, the bridge door  
23 which was leading to the bridge, and we saw them with the  
24 guns, which I believe were AK-47s and all. And they made us  
25 like, "Put your hands up and sit at the side of the corner of

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1 the bridge." And all the crew were already over there with  
2 their hands up and sitting on their legs -- on their knees on  
3 the floor on one side of the bridge, and we were in a state  
4 of terror and shock.

5 Q. So after you joined the crew where was the ship taken?

6 A. When we joined -- the pirates ordered the captain of the  
7 vessel to take the ship towards Somalia. The vessel was  
8 diverted because the captain was like -- he pointed an AK-47  
9 and all on his head to take the vessel. At gunpoint the  
10 vessel was directed towards Somalia and was taken initially  
11 to a place to eat, and then it was anchored for a few hours  
12 over there, and then we were shifted to Garaad.

13 Q. How long did it take from the time that you were hijacked  
14 until you dropped anchor at Garaad?

15 A. Around two or three days.

16 Q. In terms of your responsibilities in the engine room, how  
17 did those responsibilities change after the hijacking?

18 A. Well, it was all of us -- I was getting out my duty with  
19 my motorman for the rest of the period, for 12 hours per day,  
20 because myself and my motorman were doing it as well as from  
21 morning to evening, from morning to night, and the other  
22 colleague and motorman, they were doing from night-to-morning  
23 shift.

24 And it leads to a tremendous amount of pressure on  
25 us, because we were not allowed to even consult with anyone.

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1 We were not allowed to -- all our orders were taken by myself  
2 and the motorman to do whatever we had to do during that  
3 period.

4 Q. So other than you and your motorman and other engineers  
5 that were working in the engine room on these different  
6 shifts, where were the rest of the crew kept?

7 A. The rest of the crew were kept initially -- for initial  
8 days they were kept on the bridge, on one side of the  
9 bridge -- it was on port side of the bridge -- and after  
10 about 15, 20 days we were shifted to the C Deck of the ship  
11 where the captain, chief engineer and second engineer were  
12 kept on the bridge for the rest of the time. And we were  
13 shifted down to the C Wing, and we were there, four to five  
14 guys in each cabin. There were four cabins with four to five  
15 guys in each cabin.

16 Q. Was one of the motormen that you worked with a person by  
17 the name of Sandeep Denghwal?

18 A. Yes.

19 Q. Did you also work with -- what was the supervisory  
20 structure in relation to Chief Engineer Oleg Dereglazov?

21 A. Well, the chief engineer was my -- he was a very learned  
22 man and a very intellectual person, but the problem with him,  
23 in fact, is you're not able to communicate with him on any  
24 sort of things. If any problems arise we cannot communicate  
25 with him. If any action has to be taken, it has to be taken

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1 entirely by myself to keeping up with the machinery and  
2 keeping up the maintenance of the vessel, because we need to  
3 run the machinery at any cost so that there's power to the  
4 vessel at all times.

5 Q. Once you arrived in Garaad did other pirates come aboard  
6 the ship?

7 A. Yes, about 25 -- more than that was there, I'd say.

8 Q. What happened when those pirates came aboard?

9 A. We were directed down -- actually, when the six pirates  
10 came on board they have looted us. They have everything of  
11 us. They made us come at gunpoint and took us to our  
12 individual cabins, took everything from us; our laptops,  
13 mobiles, cameras, money, whatever, even our clothings.  
14 Everything was taken up, and then these other pirates came  
15 aboard and they again start searching the whole vessel. We  
16 were again taken at gunpoint, and we were again tortured and  
17 again looted up for each and every thing we had left.

18 Q. Once you reached anchor at Garaad, in addition to these  
19 25 or 30 pirates that looted you, was there an individual who  
20 came aboard who spoke English?

21 A. Yes. Initially, one Somali known as "the negotiator," he  
22 came on board. His name was Hassan. He was an old chap, and  
23 I didn't have interact with him because he was only there for  
24 one day. But he was a bigger boss of them. Like he was a  
25 bigger looter among them. He officially looted, like, "Give

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1 me your laptops," and, "Give me your mobile phones," and all.  
2 And he even took our rations, what we have. He filled up on  
3 things, and he went off after one day.

4 Q. So this Hassan person who spoke English, how long did he  
5 stay?

6 A. Only one day.

7 Q. Was there a second person who came aboard who spoke  
8 English?

9 A. Yes.

10 Q. And when did that person come aboard after you reached --  
11 after you reached Garaad?

12 A. He came about a week, ten days later.

13 Q. Who was that person?

14 A. Shibin Ali.

15 Q. Do you see Shibin Ali in the courtroom today?

16 A. Yes, I could see him.

17 Q. Can you identify him for the record?

18 A. That person (indicating).

19 THE COURT: Let the record reflect he's pointed to  
20 the defendant.

21 BY MR. CASEY:

22 Q. How long did the defendant Shibin Ali stay on board the  
23 Marida Marguerite?

24 A. He stayed for the rest of the period until the rest of us  
25 were released. In between he went on shore for about ten

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1 days, somewhere.

2 Q. Okay. I'll ask you about that in a minute, but I first  
3 want to ask you what did the defendant say to the crew when  
4 he first came aboard?

5 A. When he came on board he introduced himself, like, "I'm a  
6 well-wisher of you. I'm from NGO, and I will take care of  
7 everything." He abused even the pirates and all at that  
8 time. And he said, "I'll always cooperate with you." He  
9 made us believe that he's from NGO.

10 Q. Over the course of that seven-and-a-half-month period of  
11 the hijacking did he ever identify to you the name of his  
12 NGO?

13 A. Never, ever.

14 Q. Did he say who -- did he say -- did he ever provide any  
15 clothing or written materials or anything from an NGO for the  
16 crew?

17 A. Never, ever.

18 Q. Did you ever get a chance to talk to anyone on the  
19 telephone connected to any NGO?

20 A. No.

21 Q. Did the defendant -- you mentioned the crew was looted,  
22 items were taken or stolen by pirates.

23 Did you see the defendant with items that belonged to  
24 the crew over the course of the hijacking?

25 A. Yes. He used to wear our T-shirts, he used to wear our

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1 clothing, he used to use our laptops, everything.

2 Q. What was the defendant's relationship with the other  
3 pirates on board?

4 A. He was very friendly with them. He used to always have  
5 good words with them, even sitting between them, and he used  
6 to eat khat.

7 Khat is a kind of grass which they used to eat and  
8 all, all day and night, and he used to be very, very in close  
9 terms with all the pirates.

10 Q. Could you tell from your observations or your  
11 conversations who appeared to be the center of attention in  
12 these conversations?

13 MR. BROCCOLETTI: Judge, I object in that that's an  
14 opinion on his part, "the center of attention."

15 THE WITNESS: When he used to be --

16 THE COURT: Wait a minute.

17 I'll sustain the objection. Go ahead.

18 BY MR. CASEY:

19 Q. From your observations, who appeared to be leading the  
20 conversation?

21 MR. BROCCOLETTI: Objection as well. He doesn't  
22 speak Somalian, Your Honor.

23 THE COURT: I'm going to overrule your objection.

24 You may proceed. It's a layman's opinion, strictly.  
25 Go ahead.

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1 BY MR. CASEY:

2 Q. Who appeared to be leading the conversation?

3 A. Always he, always Mr. Shibir Ali. He used to  
4 lead like -- because, obviously, we don't understand Somali,  
5 but we could make out his language from his way of talking to  
6 the pirates and how the pirates obviously used to react to  
7 him. We always used to see that from our own eyes.

8 Q. Let me ask you, how restricted -- describe your movements  
9 in those first few months from, say, May through July.  
10 Obviously, you had to work in the engine room. Is that  
11 correct?

12 A. Yes. I was working in the engine room, and he would tell  
13 us every time we are not allowed to move around the vessel in  
14 any way without taking permission from the pirates, and if we  
15 have to gain the permission of the pirates we have to  
16 approach, obviously, Shibir Ali. And whenever we need to go  
17 to our duty we have to take an escort from the pirates. He  
18 used to come down with us, and we're not -- even we have to  
19 sometimes go outside of the engine room, because the  
20 machinery are there and the generator as well. And, so,  
21 we're not able to go out there and check the machinery and do  
22 the maintenance as required. So every time this problem used  
23 to come up. Every day this problem used to come up.

24 Q. In terms of the -- did you see -- so you had to go to the  
25 defendant. Did you see the defendant during the days? How

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1 often would you see the defendant during the days -- during  
2 the daytime?

3 A. He was always on board on the vessel, and he used to roam  
4 around. In the afternoon and some late morning he would roam  
5 around, and he used to come in the engine room as well. So  
6 you could see him at least in the day.

7 Q. And what did the defendant do in the evening? What did  
8 you observe the defendant doing in the evening?

9 A. In the evening he used to sit down with the other  
10 pirates, and he used to have very friendly conversations with  
11 them, and he used to have khat with them. And, so, the  
12 conversations were -- he used to sleep in the light, and they  
13 were up in the late nights and all.

14 Q. When the Marida Marguerite ran out of food what did you  
15 do for food?

16 A. Well, when we were out of food Somali pirates got some  
17 hard-boiled rice from the shore, and even they got some  
18 potatoes and onions, which were very, very limited amount of  
19 them because it's very hard to survive on them. And we were  
20 not able to eat that kind of rice even for -- I didn't have  
21 for even two days when it was prepared because it used to  
22 smell a lot, and I'm not used to that kind of rice. And for  
23 the first two days I didn't have anything, but after that,  
24 because I have to survive, I have to live my life, I have to  
25 start eating it. And that's all we survived on, a very, very

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1 limited quantity of food.

2 Q. Did you see what the defendant ate?

3 A. Yes, I saw him.

4 Q. What did the defendant eat?

5 A. He used to eat a lot. He used to eat -- always his --  
6 he's always -- he was always having his food of his choice.  
7 He always used to have his full of mutton or non-veg or  
8 whatever he used to like.

9 Q. When you say "non-veg," give us an example. You  
10 mentioned mutton. Is that lamb?

11 A. Yeah, it's lamb. Because they used to slaughter goats on  
12 the deck, and they used to have a lot of goats, lambs, every  
13 day.

14 Q. How about chicken?

15 A. Yes, a lot of chicken, also. What we had on board in our  
16 freezer rooms and all -- everything was taken by them, and  
17 they used to eat a lot. The --

18 Q. I'm sorry. Go ahead.

19 A. I'm happy.

20 Q. Did you ever see the defendant give orders to the cook?

21 A. Yes, I saw them, because when we used to come up for  
22 lunch or dinner he used to be ordering the chief cook on my  
23 vessel, "Now you prepare me that broth, prepare me this  
24 food." He used to go down to the meat room, even, sometimes.  
25 Because on one or two occasions I've even seen him because I

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1 used to go there to check the meat room, the condition of the  
2 meat room and all, during my rounds and all, and he was  
3 sometimes there, even taking the food from there, ordering  
4 the chief cook, "Now you prepare me this," whatever his  
5 choice.

6 Q. Sometime near the end of June of 2010 did the defendant  
7 leave the ship?

8 A. Yes.

9 Q. For how long?

10 A. For about ten days.

11 Q. What happened when the defendant returned after ten days?

12 A. When the defendant -- when Shabin Ali -- he returned back  
13 on the vessel. He came with a letter --

14 Q. I'm going to ask you to repeat that. Let me ask you if  
15 you could -- since we're recording what you're saying, if you  
16 could slow down a little bit and keep your voice up.

17 A. Okay. When he returned from shore he was carrying a  
18 letter that was a printout from the Internet, and it was  
19 saying that -- he showed it to me. He gave that letter to  
20 me. That letter contained back from my family, my mother, my  
21 father, and they have appealed to the government of India for  
22 my release. And this was on the Net, and he went on shore.  
23 He got that letter from the shore and give it to me. He  
24 said, "See, your family is appealing to government of India.  
25 They know somebody in the government of India. Now you have

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1 to call them up, call your family, to pressurize them; that  
2 they are the ones who have to go to the media, go to the  
3 government of India, go to the company, tell them that you  
4 have to arrange some money, as much as possible, whatever we  
5 have demanded, the money. You have to arrange that money  
6 from them and give the money to the pirates at the earliest;  
7 otherwise, we're going to kill you."

8 Q. This letter that you were shown by the defendant, was  
9 this from some kind of a news agency that had published the  
10 letter that your family had written?

11 A. Yes, it was from one of the news agencies.

12 Q. All right. And after getting those instructions from the  
13 defendant about needing to call your family what did you do?

14 A. I had to call my family because he insisted me on two or  
15 three times that, "You have to call your family." I made a  
16 call from his personal mobile number. He gave --

17 Q. Who did you call?

18 A. I called my mother and my father. And I spoke with my  
19 mother for the last time, actually, and I -- I explained -- I  
20 tried to explain to her that, "The scenario is very bad on  
21 ship, and whatever is possible you can do, please do." And  
22 he was standing just at the right side of me, and he was  
23 actually punching his words into my mouth, "You speak like  
24 that, you speak like that, you have to say this like that."

25 Q. You say that was the last time you spoke to your mother?

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1 A. Yes.

2 Q. Why was that?

3 A. I lost my mother after that, and I'm not able to speak to  
4 her now.

5 Q. Did the defendant have other information that he brought  
6 back with him when he came back from his ten days off of the  
7 ship?

8 A. Yes. He informed us that he has got contact -- that the  
9 owner of the vessel is Mr. George Economou, and he is a very  
10 rich person, very big tycoon in the shipping industry, and  
11 this person has got a lot of money from somewhere and we  
12 should be able to draw a huge ransom amount from him.

13 Q. Was there some point that you were instructed to move the  
14 ship from Garaad to Hobyo?

15 A. Yes, we were instructed.

16 Q. Who gave you those instructions?

17 A. Shibin Ali.

18 Q. What did he tell you?

19 A. He told us that, "You have to take the vessel from Garaad  
20 to Hobyo, and thereby we have to" -- "and the vessel and the  
21 crew will be" -- "will be given to al-Shabaab, who are also a  
22 terrorist organization. Because your company is not  
23 responding to us, they're not paying us what we demanded, so  
24 we're going to give your vessel to them."

25 Q. Were you given instructions to call your family at that

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1 point?

2 A. Yes, we were --

3 Q. Who gave you those instructions?

4 A. Shibin Ali, again. He was there.

5 Q. What did he tell you?

6 A. He made us make phone calls to our families that, "Now  
7 you have to call up your families for the last time, and you  
8 call them up and you tell them that we are going to give you  
9 to al-Shabaab, we are going to hand over the vessel as well  
10 as the crew to al-Shabaab, and then they will be going to  
11 kill you. And you have to explain to them we are giving you  
12 a 24-hour deadline for the company to pay us the ransom what  
13 we demanded."

14 Q. Who did you call this time?

15 A. I called my brother-in-law.

16 Q. Did you relay that information?

17 A. Yes. I called my brother-in-law because at this time I  
18 did not want to actually make my family more worried and all.  
19 Because if I call my mother and father and say, "This is the  
20 scenario on board" then I don't know what the condition of my  
21 family would be until that date, even.

22 So I called my brother-in-law. I explained him the  
23 situation on board; that, "They have given us 24-hour  
24 deadline, and you have to now try and appeal to the company  
25 in whatever way to tell them to pay them all the money.

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1       However you can pressurize, try and do that."

2       Q. I want to turn your attention to August and September  
3       of 2010. Let's start with August of 2010.

4               What resources on the Marida Marguerite were most  
5       important to the pirates?

6       A. They were very, very concerned about water and fuel.

7       Q. What about communications?

8       A. Yes, and also the communication systems, satellite phone  
9       connections, e-mails from the vessel.

10      Q. Let's talk about water first. When the Marida Marguerite  
11       moves how does it make fresh water for you to drink?

12      A. When we're sailing we produce fresh water from our main  
13       engine, we utilize the heat of the main engine to produce  
14       fresh water on board. But when it is on anchorage we are  
15       unable to do so because the main engine is stopped from  
16       operation. So we have to look at some other way to produce  
17       fresh water on board.

18      Q. Were you able -- between you and the chief engineer and  
19       others in the engineering, were you able to come up with a  
20       way to produce fresh water while you were at anchorage?

21      A. Yes. After a long, long -- we tried a lot, and we tried  
22       to produce fresh water on board. I think by God's grace that  
23       we were able to produce fresh water, because that was totally  
24       impossible, but practically we did that.

25      Q. What did the defendant instruct you once he learned that

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1 you could make fresh water while you were at anchorage?

2 A. I'm sorry. Can you repeat, please?

3 Q. Yes. Did the defendant give you any instructions after  
4 finding out that you could make fresh water while at  
5 anchorage?

6 A. Yes. Shibin Ali always used to come down in the engine  
7 room and say, "You have to produce more water." We were able  
8 to produce two and a half, three tons of water every day, but  
9 he used to always say, "You have to produce more; 20 tons,  
10 25 tons of water every day." We explained the capacity of  
11 the fresh water generator, what we are having on board, is  
12 max ten tons, and this is -- the three tons I don't know how  
13 we are producing, but this is the maximum what we can  
14 produce. But he never used to understand that thing.

15 Q. Did he tell you what they were doing with the additional  
16 fresh water, what the pirates were doing with the additional  
17 fresh water?

18 A. They used to give this -- exchange, actually, this fresh  
19 water with other fishing boats and other vessels which are  
20 being hijacked in Somalia for the exchange of fuel and oil.

21 Q. When you would tell the defendant that it was just  
22 impossible to produce as much fresh water as he was directing  
23 you to what was his response?

24 A. He pressurized us a lot. He made tortures for us; that,  
25 "You have to produce more fresh water at any cost, and you

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1 have to do whatever possible. Try and open up the machinery.  
2 Do something," and all that things he told us.

3 Q. Let's turn to oil and fuel.

4                   Was there a time period near the end of August  
5 of 2010 into the beginning of September where the Marida  
6 Marguerite ran out of oil?

7 A. Yes. In that month we were finished with our fuel oils,  
8 and because of -- we were running machineries continuously,  
9 and the fuel has to continue. We explained to Shibir Ali  
10 that, "We are running out of fuel. You have to arrange fuel  
11 from some other vessel." But they suspected that we are  
12 hiding fuel from them.

13                   The pirates, along with Shibir Ali -- they came down  
14 to engine room. I was there in engine room. They asked us  
15 to open up all the manhole doors of the double-bottom tanks,  
16 make us go inside the double-bottom tanks without having any  
17 kind of protective clothing on us because everything was  
18 being looted by the pirates. We are not even wearing  
19 protective shoes. There was no safety. Because when this --  
20 all double-bottom tanks -- the fuel in double-bottom tanks  
21 are highly toxic in nature, because they have some amount of  
22 fuel oil inside it and you have H2S gas, butane, carbon  
23 monoxide and all, and you need to have 24 hours of thorough  
24 ventilation of the tanks before you can get into the tanks.  
25 But they opened up the panel doors and we went inside it

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1 without any ventilation, without any protection, just risking  
2 of our life.

3 Q. Did you explain to the defendant what the problems were  
4 if you opened the tanks and went inside without allowing  
5 24 hours of ventilation?

6 A. Everything was explained to him.

7 Q. What was his response?

8 A. He said, "You have to go inside the tanks at this  
9 moment."

10 Q. Okay. And did you do this?

11 A. We had to do that, because we were under gunpoints.

12 Q. Okay. Was there a point where crew members began to be  
13 tortured?

14 A. Yes. After that the chief engineer, captain -- they were  
15 the first to get tortured and all.

16 Q. How did you know that?

17 A. We heard about that. We heard the screamings of the  
18 chief engineer and captain and --

19 Q. When was that?

20 A. It was in the last week of August --

21 Q. Okay.

22 A. -- to the first week of September.

23 Q. I'd like to direct your attention, now, if I could, to  
24 September 8th. Were you working that evening?

25 A. Yes, I was in the shift in the evening, from evening,

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1 8:00, to morning, 8:00.

2 Q. And where were you working?

3 A. I was in control room and engine room.

4 Q. Who were you working with?

5 A. I was working with my motorman, Sandeep Denghwal.

6 Q. And describe what happened.

7 A. On the eighth night, the 8th of September night, at  
8 about -- after 1:00 somewhere, pirates leader, Budiga and  
9 Noor -- they came down to engine room. I was there with my  
10 motorman, Sandeep. We were there in the engine control room,  
11 and these two guys came down to engine control room and  
12 started asking us, "Where are the satellite phone  
13 connections?"

14 Q. So initially Budiga, B-U-D-I-G-A, and Noor, N-O-O-R,  
15 those two pirates initially came down and began to ask you  
16 questions about the whereabouts of satellite phones, correct?

17 A. Right.

18 Q. And what happened?

19 A. We explained to them engine room is not having any kind  
20 of satellite phone connections, but they still -- they didn't  
21 understand it, and they didn't want to understand it.

22 Q. At some point did a third person come down into the  
23 control room?

24 A. Yes. We asked them for communication, because we're not  
25 able to communicate our things to them. So then they called

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1 Shibin Ali so that he can be there. "We want to explain him  
2 in English so that he can communicate with you in your  
3 language so that we can explain to you why we're not having  
4 communication systems in the engine room and why we're not  
5 provided any."

6 Q. And did the defendant come down into the control room?

7 A. Yes, he came down after about 20, 25 minutes.

8 Q. What happened then?

9 A. When he came down we explained him that the pirates  
10 are -- the two pirates are grilling us badly. They even  
11 started torturing us physically to tell them where is the  
12 satellite phone connection, where is the e-mail connections  
13 and all, and we are staying -- actually, there was a computer  
14 in engine room before hijack, and after the vessel was  
15 hijacked, after that, even, Shibin Ali -- he came down in the  
16 engine room in the very early days of the hijack. He took  
17 that computer with him, on top of it.

18 And we asked him on the night, eighth night, that,  
19 "You have already taken that computer on top, and you have to  
20 explain to pirates that, 'See, I have already taken this  
21 computer, and there's no satellite phone connections and  
22 e-mails.'" We made him understand everything, but he said,  
23 "No, no, no. You are having satellite connections in the  
24 engine room. You should tell us where is it. You even told  
25 us you are having passwords in the intercom phones" -- which

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1 was only between one section of the ship to another part of  
2 the ship -- and he said, "You are having passwords inside it  
3 for the satellite phone, and you are making phone calls  
4 through your passwords."

5 Q. He said you were hiding passwords in the intercom system?

6 A. Yes.

7 Q. And those passwords were connected to the satellite  
8 system?

9 A. As per him.

10 Q. That's what he said?

11 A. As per him. That's what he said.

12 Q. Was that happening?

13 A. Never, ever.

14 Q. Did you explain that to the defendant?

15 A. Everything explained to him.

16 Q. What was his response?

17 A. He said, "No, you have to tell me where is the connection  
18 in the engine room." He didn't want to listen, even.

19 Q. So did he take any of your information and translate that  
20 to the pirates?

21 A. He was not even -- he was also with their side, even.

22 The pirates -- after he came they again started grilling us  
23 more and started beating us with the iron bar which was there  
24 in the shop of the engine room.

25 Q. And who was hitting you with the iron bar?

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1 A. The pirates, Budiga and Noor.

2 Q. And how long did this interrogation go on involving  
3 defendant Shabin, pirate Budiga and pirate Noor?

4 A. It lasted until about 3:00 in the morning. And then they  
5 said, "You are now a suspect," and I, with my motorman,  
6 should go up into a cabin, and, "We will look into it what we  
7 have to do with you both guys." And the other two people who  
8 are taking rest, my third engineer and motorman, they were  
9 called down to engine room in the wee hours of 3:00 in the  
10 morning, and they were asked to resume their duties.

11 Q. Was your shift cut short and you were taken up to a  
12 cabin?

13 A. Yes, my shift was cut short, because my shift was until  
14 8:00 in the morning.

15 Q. What happened on the next morning, the morning of the 9th  
16 of September?

17 A. Yeah. In the morning, at about 6:00 in the morning,  
18 pirate Budiga -- he came to our cabin. I and Sandeep  
19 Denghwal were in the cabin. We were sleeping, and they  
20 started kicking us and started saying, "Come on. Come up,  
21 come up, come on bridge." They made us to run to the bridge  
22 immediately, and when we were going to the bridge they  
23 started telling us, "You have to come out of the bridge."  
24 When we -- from the C Wing -- we were standing in the C Wing  
25 of the vessel.

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2 And, so, once back from down below the bridge we  
3 went to the bridge on top, and then he told us to come to the  
4 starboard side of the wing. We started going towards the  
5 starboard side of the bridge. We saw Shibir Ali was sitting  
6 down there on the mattress, and we asked him, "Shibir, please  
7 help us. Please try and communicate with them, with the  
8 pirates, that we don't have any satellite phone connections.  
9 We have never made any kind of phones without your  
10 permission, without your" -- "whenever you have given us  
11 permission or you have made us make a phone call we have done  
12 only that. And, you know, we not having satellite phone  
13 connections. You can search. You can find out. I can  
14 provide you all documents on board what we have. If you find  
anything you can -- please, please try."

15 But he said -- he was just smiling that way and we  
16 were taken off from there.

17 Q. Did the defendant help you at that point?

18 A. Not at all.

19 Q. Did the defendant intervene?

20 A. Not at all.

21 Q. The night before, when you were -- after you had been  
22 brought back to your cabin and you were with Sandeep, did you  
23 make an agreement with Sandeep?

24 A. Yes.

25 Q. What was the agreement?

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1 A. Because when we are coming up they told us on the way out  
2 from engine room towards the cabin, "Your life is over. Now  
3 you see what happens to you." So we were already terrified.  
4 We were totally out of this world now. What's going to  
5 happen with us? Because already there was an enormous amount  
6 of tortures happening on board, physical tortures, with the  
7 captain, chief engineer, second engineer, chief officer.  
8 Everyone was having tremendous amount of tortures. We  
9 thought the next time is ours. But we stood by. I told  
10 Sandeep that whatever that truth is we will stand by that  
11 truth; that you are not having any kind of satellite phone  
12 connections. We said, "Even if they try to kill me, even if  
13 they kill me, I will stand by that. The truth is we are not  
14 having any kind of satellite connections."

15 Q. Now back to the morning of the 9th. As you walked  
16 through the bridge and after you asked the defendant for help  
17 and he did not intervene, where were you taken?

18 A. We were taken on the starboard side of the bridge wing.  
19 I'll say the bridge wing. We were made to lie down on the  
20 floor of the bridge wing. I was lying on my stomach.

21 Q. Let me just stop you there.

22 That location that you describe, how far away from  
23 that position that you were lying down was the defendant?

24 A. If I could remember, it was just five to ten feet away  
25 from that place, because it was a bulkhead in between and

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1 then there was this open space to the bridge.

2 Q. What about Mr. Sandeep? Where was he taken?

3 A. He was taken on the port side of the -- he was taken on  
4 the other side of the bridge.

5 Q. Could you see Mr. Sandeep?

6 A. After that I could not see because my face was turned  
7 around. I could not see him.

8 Q. So what happened after the pirates laid you down on your  
9 stomach?

10 A. When I was -- I laid down -- they asked me to lie down on  
11 my stomach. Three pirates came. One pirate, he stretched my  
12 hands fully at the back like that (indicating.) Other  
13 pirate, he stretched my legs onto it and made like that shape  
14 (indicating). And I was just touching my tummy on the  
15 ground. It was very, very painful because they keep on  
16 stretching me, with my full chest on top, and my legs were  
17 also fully stretched, pulled up, and then they tied nylon  
18 ropes, plastic bands, and they tied on my hands like that  
19 (indicating) with my legs, and even they tied my genitals  
20 with a nylon cable band.

21 And we started screaming. We were screaming with  
22 lots of pain because that is a very, very difficult position.  
23 Because anybody that's been stretched like that and been held  
24 in that position for so long -- we were totally hopeless that  
25 we would survive out of it.

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1 Q. When your feet were tied behind your back and your hands  
2 were tied behind your back and they were tied together and  
3 your genitals were tied what were you screaming?

4 A. We were screaming for help. "Shibin, please help us.  
5 Somebody please help us. We are speaking you the truth.  
6 There is no phone connections. There are no satellite  
7 connections in engine room. There are no e-mail connections  
8 in engine room. Please help us. Please save me from this  
9 position. I'm telling you the truth. Please try and believe  
10 me." But nobody came to help us.

11 Q. I'd like to show you in the monitor to your left side  
12 Exhibit 1-1 I which has been admitted in evidence.

13 Is that the type of cable tie that was used to tie  
14 your genitals?

15 A. Yes, it was that type.

16 Q. What would happen when you would scream? What would the  
17 pirates do with the cable tie?

18 A. I'm sorry. Can you repeat, please?

19 Q. Yes. When you started screaming what did they do with  
20 the cable ties?

21 A. They pulled on the cable ties. As long as you start --  
22 because it's very painful when you tie your genitals and all  
23 with a cable tie like that, and you start pulling it more and  
24 more and you start screaming more. "You scream more? Okay,  
25 do it more." Then I keep myself quiet so that they can stop

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1 doing that. It was too much. It was so painful for me in  
2 that condition.

3 Q. Could you hear Sandeep?

4 A. I could easily hear Sandeep screaming a lot. He was also  
5 with full pains, and I could get out that he is also in that  
6 same position what I was in, too. Because he was also  
7 yelling, screaming a lot, "Please save me, please help me,"  
8 but no one was coming in front to help us.

9 Q. When you were crying out for the defendant Shabin did he  
10 come?

11 A. Never, no.

12 Q. How long were your genitals tied?

13 A. It was about for 20 to 30 minutes.

14 Q. Then what happened?

15 A. Then the pirates -- they came, and they cut the cable tie  
16 with a blade sort of thing, and they cut the nylon cable  
17 band.

18 Q. What about your arms and your legs?

19 A. They didn't even loosen up that. I was still in that  
20 position.

21 Q. On your stomach?

22 A. On my tummy.

23 Q. How long were you on your tummy?

24 A. It was about for two, three hours, somewhere about three  
25 hours, something.

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1 Q. After two or three hours of laying there on your tummy  
2 with your hands and legs tied, what happened then?

3 A. Then they came and they opened up nylon band. They  
4 actually cut it with a blade, and they opened the nylon  
5 ropes. And I was still in that position only for a few --  
6 like two or three minutes. They start kicking me with their  
7 legs -- "Wake up, stand up, stand up," like that. I was not  
8 able to do that, because there was no blood flow in my hands,  
9 there was no blood flow in my legs for so long, and I was not  
10 able to even stand up.

11 So I was just there on my knees at that time and  
12 asking for them to help me to at least stand up, but nobody  
13 helped me. They again started kicking me from the back,  
14 "Stand up fast. Come in, come in."

15 Q. Where did they take you?

16 A. They took me to inside the bridge again, and we were  
17 again interrogated by Shabin Ali, who was sitting there on  
18 that mattress.

19 Q. I'm showing you on your monitor 1-1 B, which has been  
20 admitted into evidence. Is that somewhere Shabin Ali was  
21 when you were interrogated?

22 A. Yes. He was sitting on top of bridge.

23 Q. Where were you?

24 A. I was sitting down on the floor.

25 Q. What did defendant Shabin Ali ask you or say to you?

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1 A. One by one we were interrogated. Sandeep was  
2 interrogated quickly, and I was then interrogated. He again  
3 started saying that, "We know that there are satellite phone  
4 connections in the engine room, and you are not telling us.  
5 You have to tell us where are they; otherwise, it's all over  
6 for you, we will kill you," something like that.

7 He was making it appear that -- he was actually  
8 putting his words in my mouth and all the false claims what  
9 he was -- he was making us. I told him that, "We are not  
10 having any kind of connections. You can search." And he  
11 said, "No, I'm having this manual. I read the manual of the  
12 ship. It is having" -- "that you are having satellite  
13 connections." I told him, "It is not there. You have to  
14 believe me."

15 Q. Did he try to tell you that Sandeep had said differently?

16 A. Yes. He -- he interrogated him separately.

17 Q. But did he try to tell you that Sandeep had said  
18 something different?

19 A. No, he didn't try to, but he said, "I am fully aware that  
20 there are satellite connections in the engine room, and you  
21 have to accept that there are connections in engine room."

22 Q. Did you ever break your agreement with Sandeep?

23 A. Never. Because the truth is we were not having any kind  
24 of satellite phone connections. We never made any kind of  
25 phone calls or e-mails to anywhere from anywhere on the ship.

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1 Q. Was anybody else asking you questions, or was it just  
2 defendant Shibin Ali?

3 A. Only Shibin Ali.

4 Q. Okay. Were there other pirates? Was he whispering in  
5 their ears, or was it just him asking you questions?

6 A. Yeah, other pirates were standing near to him, and they  
7 were having a chit-chat in Somali, but the majority of the  
8 things, a lot of the like interrogations were totally between  
9 me and Shibin.

10 Q. How long did this interrogation go on?

11 A. For about 10 to 15 minutes.

12 Q. Then what happened?

13 A. Then they told us, "You can go down to your cabin." And  
14 I was not able to even work. My left hand -- I was unable to  
15 work with my left hand for about a month's time. Call it a  
16 half paralytic kind of thing. I was working with the  
17 other -- my left hand was like that (indicating). And even I  
18 have the marks on my body as of now where I have been tied up  
19 and all. And after that we came back down to our rooms, our  
20 cabins, on the C Deck.

21 Q. Is there a time in September where the defendant lost his  
22 position or was demoted from his position as negotiator?

23 THE COURT: Are we starting an entirely new line?

24 MR. CASEY: I'm moving on, Your Honor.

25 THE COURT: Well, I think this may be a good time to

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1 take a break for lunch. You'll come back at five minutes  
2 after 1:00. We'll take an hour and five minutes for lunch.

3 Everyone please rise while the jury retires.

4 (The jury withdrew from the courtroom.)

5 THE COURT: We'll take a recess for an hour and five  
6 minutes.

7 (A luncheon recess was taken.)

8 THE COURT: You may be seated.

9 Mr. Broccoletti, I understand you have a little  
10 problem.

11 MR. BROCCOLETTI: Yes, sir, Your Honor. We expect  
12 to be retained in a matter that's pending before the court  
13 set for a detention hearing tomorrow afternoon at 4:00. The  
14 government expects that hearing to last anywhere from an hour  
15 and a half to two hours. So, with the Court's permission, we  
16 can start earlier or just recess at 4:00.

17 THE COURT: We'll start at 9:00, if that doesn't  
18 bother anybody. If the jury agrees, we'll start at 9:00 and  
19 quit at 4:00.

20 I want to move this along. I want to end it, you  
21 know. I know you're -- but we'll stop at 4:00, under any  
22 circumstances, tomorrow.

23 MR. BROCCOLETTI: Yes, sir. Thank you very much,  
24 Your Honor.

25 THE COURT: All right. Everyone please rise.

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1 Bring in the jury.

2 (The jury entered the courtroom.)

3 THE COURT: You may be seated.

4 Let the record reflect the entire jury has returned.

5 Ladies and gentlemen, tomorrow, because of some  
6 other cases that are coming up, we will have to stop at 4:00  
7 tomorrow afternoon, and I wonder if the jury would be  
8 amenable to coming in at 9:00 instead of 9:30.

9 Does anybody have any problem with that?

10 We'll come in at 9:00. We'll start promptly at 9:00  
11 tomorrow morning instead of 9:30, and we'll stop promptly at  
12 4:00, I can assure you.

13 All right. Let's move along.

14 MR. CASEY: Yes, Your Honor. The government recalls  
15 Mr. Bahri.

16 THE COURT: Mr. Bahri, you're reminded you're still  
17 under the duty to tell the truth, the whole truth and nothing  
18 but the truth. You may be seated.

19 BY MR. CASEY:

20 Q. Mr. Bahri, sometime in September of 2010 do you recall  
21 meeting or seeing a pirate named Looyan come aboard the  
22 Marida Marguerite?

23 A. (The witness nodded his head.)

24 Q. I ask you to answer out loud, sir.

25 A. Yes. A pirate negotiator named Looyan, he came on vessel

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1 in the month of September to carry on negotiations. The  
2 pirates were then told they didn't believe Shibin to be  
3 getting a good amount of money from the company, so they  
4 appointed Looyan as a negotiator for the Somali pirates, and  
5 he was then getting all the negotiations with the ship  
6 between the Somalis and the company.

7 Q. Do you recall seeing him before or after you were  
8 tortured on September 9th?

9 A. No, it was after that.

10 Q. What happened to the defendant, defendant Shibin, after  
11 Looyan came aboard?

12 A. After Looyan came on board Shibin was on board only, but  
13 he was not a negotiator now. He was getting out all the  
14 watches like the pirates used to have on board. Like he used  
15 to always roam around with a gun on the vessel, and he used  
16 to guard the vessel. And he used to carry out other jobs  
17 which the other pirates used to have.

18 Q. What type of gun did you see the defendant with?

19 A. It was AK-47.

20 Q. And how many times did you see the defendant carrying an  
21 AK-47?

22 A. Always. Anytime we saw him during that period he was  
23 having some guns with him.

24 Q. This was after the torture?

25 A. After the torture when Looyan came on board.

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1 Q. At some point did the defendant resume his position as  
2 negotiator?

3 A. Yes, after that he resumed his position by -- actually,  
4 we didn't know actually what happened between -- exactly what  
5 happened and all, because the others were not able to carry  
6 out his duties. At first the pirates' demands and all -- he  
7 was not able to extract that amount of money from the  
8 company, so the pirates appointed him --

9 Q. Who is "him"?

10 A. Appointed Shibin Ali as again the negotiator of the  
11 Marida Marguerite.

12 Q. Do you recall when Shibin returned as negotiator?

13 A. Yes, he returned as negotiator on behalf of Somalis.

14 Q. Was that for a final time within December of 2010?

15 A. In December, December until January 8, when the money was  
16 dropped.

17 Q. So who finished the negotiations on behalf of the  
18 pirates?

19 A. Shibin Ali.

20 Q. In late December, after the ransom had been agreed to,  
21 did you see how the money was delivered?

22 A. Yes. First of all, the money was to be delivered in the  
23 morning. We were made to stand on the deck of the vessel,  
24 and the aircraft came. They took our pictures. And then  
25 when they were assured that all the people on board, the crew

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1 on board, are alive so then the first packet of that money  
2 was dropped in the sea. The pirates, they were having their  
3 own skiffs. They were on their skiffs in the sea. They went  
4 there. They took the packets of the white material -- it was  
5 made up of white material and all, and it was a parachute --  
6 with a parachute it landed on the sea. They took that  
7 container on the skiffs, they brought that on the vessel, and  
8 then they opened it up and distributed the contents.

9 Q. Where were you when Shibin made his final speech to the  
10 crew?

11 A. I was in the engine room at that time. I was working on  
12 the machineries, because we need to -- we had to do a lot of  
13 work on the machineries because the main engine specifically  
14 was out of oil for eight months. Like eight months it was  
15 standing, and we are having lots of problems with the  
16 machinery. We started working on the machinery because we  
17 needed our ship to go to sea with full power. Because for  
18 that we have to do some maintenance work on the machinery, on  
19 the main engine. As it was, the company dropped some  
20 important, very crucial spares for the engine, and we were to  
21 fit it back in the auxiliary engine, and thereby, because the  
22 auxiliary engines were also out of order, we were made to  
23 run -- actually, during the hijack situation we were made to  
24 run the engine on the sludge.

25 Sludge is actually the waste oil and water which we

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1 normally do not use on board. It's kind of like water  
2 without the waste when you use it. After purification,  
3 whatever is left is sludge. When we used it in our engines  
4 it becomes like the engines went completely out of order. It  
5 was fully choked. The nozzles were fully choked. The  
6 turbochargers were out of order. We had all the machineries  
7 very big problems. And even during that time when we are  
8 having all this trouble we explained Shihbin that, "This is  
9 the problem we are having with the oil; we are not allowed to  
10 use sludge oil." But he said, "You have to use it." And  
11 then when I was having my problems with my hand, even -- my  
12 hand was out of order for about a month's time after my  
13 torture. I was only working with one hand. My back was full  
14 of pain. I could not even look back because it tired me  
15 because I was having such problem in my back. And I asked  
16 him one day, "You are having trouble. You are having three  
17 auxiliary engines on board. One by one they all went out of  
18 order, and it was only the last engine was running." I asked  
19 him that, "I need an extra hand to work on the machinery."  
20 Because I was there with my motorman, who also was beaten up  
21 very badly on September 8th night, September 9th morning. So  
22 we requested him to send a person from -- one of the crew  
23 from the bridge to assist us to carry out the maintenance  
24 job, but he never listened to us. He said, "You have to do  
25 it on your own." And so, thereby, it was a big trouble for

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1 us to work on the machinery. Now, how can we work with only  
2 one hand, open up the full generator? It's a big machinery,  
3 and it cannot be worked with one hand. You need both your  
4 hands to work, but we did it on our own. With one hand we  
5 tried to do it.

6 And, then again, there was so much pressure from the  
7 pirates. Every now and then they used to come down to engine  
8 room -- "Where are you? Why are you not in control room?"  
9 And if you have to go down to engine room to work pirates  
10 will come with us. We will not even be allowed to maintain  
11 the machineries.

12 Q. Mr. Bahri, when the company dropped the money for the  
13 ransom did they also drop tools?

14 A. Yes.

15 Q. And what did you do with those tools?

16 A. Yes. It was spares.

17 Q. Spare parts?

18 A. Spare parts for our auxiliary engines. We put it back  
19 into the machinery, and we were able to run the machinery  
20 then.

21 Q. Okay. And why was it important to be able to sail out on  
22 your own power?

23 A. See, I'm an engineer. I would like to work on my  
24 machinery. This is my mother. My job is my mother, and I  
25 have the capability. I know that I have the capability to

\_\_\_\_\_  
C. Bahri - Cross

1 work for this thing, and I don't like that we are not -- if  
2 we are released we are again stranded up there. Some other  
3 pirate group will come, and again they can hijack us or  
4 something. That's why we need to work on the machinery as  
5 fast as possible to make it run properly, and that's why we  
6 need the spare parts to put it on the engines. We worked on  
7 the main engines. We made everything ready for us to depart  
8 for the second port.

9 Q. Was it a sense of pride for you as an engineer to be able  
10 to leave on your own power?

11 A. It was my pride and honor that I could have worked and  
12 take my ship on to a safer port after that.

13 Q. When Shibin left -- did you see defendant Shibin just  
14 before he left?

15 A. Yes.

16 Q. Was he carrying anything with him?

17 A. Yes. He was carrying a bag, a black bag of something  
18 with him, and even he was carrying a laptop from one of the  
19 crew.

20 Q. Okay. Could you see what was in the bag?

21 A. No, I don't know what was in the bag.

22 Q. All right.

23 MR. CASEY: Your Honor, I would pass the witness.

24 CROSS-EXAMINATION

25 BY MR. BROCCOLETTI:

\_\_\_\_\_  
C. Bahri - Cross

1 Q. Sir, with respect to the month of September and the times  
2 that you were tortured, you told us about September the 9th.  
3 You were also tortured during the period of September  
4 the 24th through September the 31st. Isn't that true?

5 A. Yes.

6 Q. Specifically, on the 23rd and the 27th of September?

7 A. Yes, it could have been something on that. I don't  
8 remember exact dates.

9 Q. And you have told us that Looyan came on to be the  
10 negotiator in September.

11 A. Somewhere end of it.

12 Q. So Looyan was present as the negotiator during the times  
13 that you were tortured during those last weeks of September.  
14 Isn't that true?

15 A. I don't remember that time when he was there.

16 Q. Do you remember if he was there when you were --

17 A. No, he was not on board that time, because --

18 Q. Was he the negotiator during that time?

19 A. I don't recall. I don't recall.

20 Q. Do you recall if he was the negotiator on September the  
21 9th, when the first incident happened to you?

22 A. No, he was not the negotiator at that time. It was not  
23 him.

24 Q. The person who ordered the torture was Budiga?

25 A. For September 9th?

\_\_\_\_\_  
C. Bahri - Cross

1 Q. Yes.

2 A. He ordered the torture, but with the help -- Shibin was  
3 also involved in it. We asked Shibin so many times, "Please  
4 help us." If you were asking something in between he would  
5 have listened to us at least what we are going to say, then  
6 there would have been no tortures, and for that I had to have  
7 ten months of treatment at home after I came back home.

8 Q. The question was, was Budiga the one that ordered the  
9 torture?

10 A. I cannot say that Budiga ordered the tortures. Who  
11 ordered the tortures we don't know, but I was being tortured  
12 by all of them.

13 Q. You had spoken -- do you recall when the ship had moved  
14 from Garaad to Hobyo?

15 A. Uh-huh.

16 Q. Isn't that true?

17 A. Uh-huh.

18 Q. And that movement was in August?

19 A. I think, yes, in August.

20 Q. And it was during that movement that the defendant was  
21 kicked out of his cabin and was put on the bridge, correct?

22 A. Yes, he was put on the bridge.

23 Q. And he was monitored while he was on the bridge. Isn't  
24 that true?

25 A. Yes, he was monitored by the pirates.

\_\_\_\_\_  
C. Bahri - Cross

1 Q. And that was because the company had suspected -- or the  
2 pirates had suspected him of doing something with the  
3 company, true?

4 A. I cannot say that, because he was also involved in  
5 whatever conversations we had with the pirates. Because we  
6 cannot understand Somali as a language, but he always used to  
7 come up in the conversations. So I don't know who actually  
8 was involved with that there.

9 Q. And once the defendant was taken out of his cabin and  
10 monitored on the bridge did another translator occur -- take  
11 place?

12 A. No, he not know much of English, so he could not  
13 understand much of English. So he was the main person who  
14 could understand and dictate conversation that was happening  
15 because he was the middleman -- Shibin Ali. So for that  
16 reason he was one of the pirates. He knew a little bit of  
17 English but not much. So this guy used to always come for  
18 the better part of negotiations.

19 Q. During the time that the ship was being transported to  
20 Hobyo was there a man named Osman on board?

21 A. Pardon?

22 Q. Osman?

23 A. Oosman, I think.

24 Q. Oosman. I'm sorry. My fault.

25 And did Oosman translate during that time you were

1 moving the ship to Hobyo?

2 A. No. We were made to know by him Shibin Ali.

3 Q. Even though he was being monitored on the bridge and kept  
4 in that position.

5 A. We were told by him that the ship is going now to -- we  
6 have to take the ship from Garaad to Hobyo, and then  
7 thereafter he was kept on bridge. But he was there on  
8 bridge, and the captain and chief engineer were also on  
9 bridge.

10 MR. BROCCOLETTI: Okay. Thank you.

11 MR. CASEY: I have no further questions, Your Honor.

12 THE COURT: You are instructed not to discuss your  
13 testimony with anyone until this matter is complete, at which  
14 time you're free to discuss it with anyone you like.

15 Do you want to release this gentleman?

16 MR. CASEY: Yes, sir.

17 THE COURT: Do you want to release him,

18 Mr. Broccoletti?

19 MR. BROCCOLETTI: Yes, Your Honor.

20 THE COURT: All right. You may be released.

21

## CERTIFICATION

I certify that the foregoing is a correct transcript of an excerpt from the record of proceedings in the above-entitled matter.

s/s

Heidi L. Jeffreys

July 23, 2012

Date

Heidi L. Jeffreys, Official Court Reporter